

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,	*	SA-17-CR-381-DAE-1
	*	
Plaintiff	*	
	*	
v.	*	UNITED STATES DISTRICT JUDGE
	*	DAVID ALAN EZRA
	*	
CARLOS I. URESTI	*	
	*	
Defendant	*	
	*	

**MOTION FOR PARTIAL RELIEF FROM RESTRAINING ORDER**

TO THE HONORABLE DAVID ALAN EZRA, SENIOR UNITED STATES DISTRICT JUDGE:

Now comes Defendant Carlos I. Uresti and brings this Motion for Partial Relief from this Court's Restraining Order as to Carlos Uresti (Doc. 362) and in support hereof, Defendant would show the Court the following:

1. On February 22, 2018, a jury found the Defendant guilty on six counts of wire fraud, one count of conspiracy to launder money instruments, one count of engaging in monetary transactions in property, two counts of securities fraud, and one count of acting as an unregistered securities broker. (Doc. No. 318).
2. On March 6, 2018, the Court entered an Ex Parte Restraining Order. The Restraining Order contains a carve-out to permit the Defendant sufficient funds to pay for normal monthly living expenses incurred by his household. (Doc. No. 323).
3. On June 26, 2018, Defendant was sentenced to 144 months.
4. Defendant literally has no liquid funds to pay for normal necessary monthly living expenses, such electricity, food, gasoline and insurance. Although he is the record owner of

several "tangible" assets, such as a home and office building, (1) such assets still have not sold, and (2) this Court's order prohibits him from selling other assets. He doesn't have money to survive.

5. Defendant is currently entitled to receive retirement checks as a result of his retirement from the Texas Senate. These funds would allow him to pay for normal living expenses, and this Court has allowed him to use funds to pay for normal living expenses. Without these retirement checks, Defendant Uresti cannot pay for normal living expenses. The Texas Employee Retirement System ("ERS") refuses to issue any checks to Defendant as a result of this Court's Restraining Order. Representatives of the ERS advised Defendant's counsel that before it will issue Defendant any retirement checks, it must receive permission to do so. It has requested written permission from the U.S. Attorney Office, but to date such office has not done so. Several requests have been made to the U.S. Attorney's Office, but it has chosen to not communicate its non-opposition to the release of funds. Accordingly, a specific Order from this Court is necessary in order to authorize ERS to issue Defendant a monthly retirement check.

6. Defendant's ERS pension is also subject to a prior qualified domestic relations Order entered in the Defendant's divorce from Yolanda Acuna Uresti. As such, Defendant intends to request ERS to distribute to Yolanda Uresti her portion of the pension to which she is entitled pursuant to the existing Qualified Domestic Relations Order ("QDRO").

7. Defendant's wife, Lleanna Margaret Uresti, has filed for a divorce and the parties are currently separated. This Court's Restraining Order specifically states that "*the Defendant and his spouse are hereby enjoined from seeking to divide or otherwise settle their property interests in any divorce proceeding.*" Defendant also seeks permission to finalize the divorce so that the community property and related issues can be divided equitably and the divorce finalized.

Defendant needs to be able to proceed with divorce negotiations and settlement, because the amount of Defendant's retirement checks from ERS depends on such settlement. That is, ERS cannot determine the specific monthly retirement amounts to be paid to the Defendant and his soon-to-be ex-wife, Yolanda Acuna Uresti until a QDRO is submitted as to the impending divorce, which cannot be obtained until the divorce is finalized.

8. Defendant has the opportunity to purchase retirement credits for the remaining 6 months of this year at a nominal total cost of less than \$350. ERS will not allow Defendant to do so, however, until it receives authorization from this Court for Defendant to purchase these 6 months.

9. Defendant currently has his accounts with Broadway Bank, and his spouse has her accounts with Frost Bank. Defendant requests that this Court modify its Restraining Order to allow said banks to continue allowing the accounts to receive deposits and to honor checks written on these accounts.

10. Given the foregoing, the Defendant requests that this Court modify its Restraining Order to the following limited extent:

A. Texas ERS shall not be prohibited by this Court from the following:

(1) accepting the Defendant's resignation and processing all necessary paperwork to effectuate his resignation;

(2) calculating Defendant's monthly retirement pension;

(3) distributing all appropriate funds to Yolanda Acuna Uresti pursuant to the existing QDRO;

(4) allowing Defendant to purchase six months of retirement credits from ERS;  
and,

(5) disbursing all appropriate funds to Margaret Lleana Uresti and Carlos I. Uresti under the appropriate QDRO issued in such persons' divorce proceeding.

B. Defendant Carlos I. Uresti and Margaret Lleana Uresti shall not be prohibited by this Court's Restraining Order from entering an agreed divorce and property settlement in their divorce proceeding; and,

C. Broadway Bank and Frost Bank shall not be prohibited by this Court's Restraining Order from continue receiving deposits and/or honoring checks on accounts in the name of Margaret Lleana Uresti and/or Carlos I. Uresti.

Undersigned counsel and Defendant's divorce attorney have sought to obtain the U.S. Attorney's Office consent to the disbursement of retirement checks, so Mr. Uresti can pay for normal living expenses. The U.S. Attorney's Office has not provided ERS with written confirmation that it is not opposed to ERS's disbursement of retirement checks.

Undersigned counsel delivered the proposed motion to AUSAs Giese, Callahan and Blackwell. A response was provided just now that the U.S. Attorney Office opposes the motion.

**WHEREFORE, PREMISES CONSIDERED**, Defendant respectfully prays that this Honorable Court will enter an Order partially lifting the restraining order to the extent described above, that all other terms previously ordered by this Court remain in place, that this Court order that this Motion and the Court's Order be until further order of this Court, save and except

a copy to be delivered to the U. S. Attorney Office, and for such other and further relief as this Court may deem appropriate.

Dated: 20 July 2018

Respectfully submitted,

/s/ Michael McCrum  
**MICHAEL McCRUM**  
Texas State Bar No. 13493200  
McCrum Law Office  
The Esplanade  
404 E. Ramsey, Suite 102  
San Antonio, TX 78216  
(210) 225-2285

**CERTIFICATE OF SERVICE**

I hereby certify that on 20 July 2018, I electronically filed the foregoing with the Clerk of Court using the ECF system, and delivered a copy by email to AUSAs Joseph Blackwell and Erica Giese.

By: /s/ Michael McCrum  
Michael McCrum

**UNITED STATES DISTRICT COURT  
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	*	DAVID ALAN EZRA
	*	
CARLOS I. URESTI	*	
	*	
Defendant	*	
	*	

**ORDER**

**IT IS HEREBY ORDERED** that the Court's Restraining Order (Doc. No. 323) is **PARTIALLY LIFTED** solely for the following purposes:

1. The Texas Employee Retirement System ("Texas ERS") is permitted to accept the Defendant Carlos I. Uresti's resignation and process all necessary paperwork to effectuate his resignation;
2. The Texas ERS is authorized to calculate Defendant's monthly retirement pension and issue to Defendant his monthly retirement checks;
3. The Texas ERS is authorized to issue monthly distributions to Yolanda Acuna Uresti pursuant to the existing QDRO;
4. The Defendant is permitted to finalize the divorce and property settlement between the Defendant and Margaret Lleanna Uresti;
5. The Defendant is authorized to purchase the 6 months of retirement credits from the Texas ERS; and

6. Broadway Bank and Frost Bank are authorized to continue receiving deposits and/or honoring checks written by the Defendant and/or his spouse.

IT IS FURTHER ORDERED that this Court's Restraining Order shall in all other respects remain in place.

SIGNED AND ENTERED on this the \_\_\_\_\_ day of July 2018.

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DAVID A. EZRA  
SENIOR UNITED STATES DISTRICT JUDGE